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AMEMBASSY,

TOKYO.

A-100 June 12, 1952

Subject: FCN treaty. Informal discussions. Embassy's despatch No. 13, May 6, enclosure No. 3.

Article XIX. National fisheries. The Japanese suggestion for dealing with the national fisheries exception (as set forth bottom page 5 of reference enclosure) does not appeal to the Department. The material does not logically fit into the context of paragraph 6, which should be left as it now stands; and the Department does not understand why the Japanese have suggested a formulation which has the appearance of broadening the scope of the reservation: i.e., the added reference to nationals and companies (which in the Department's view is redundant, inasmuch as fisheries is among the reserved subject-matter of Article VII, paragraph 2) and the extension of the reservation (unnecessarily) to the entire treaty. The particular wording of the Italian treaty is not regarded as being a model to be followed in the completely restyled and restated present standard draft.

The standard draft as it now stands reflects an effort to handle the national fisheries question in a precise manner, by stipulating exactly the quantum of reservation required by established law and practice, and no more. The result is the careful language of paragraph 6(a) of Article XIV and paragraph 3 of Article XIX. The Department believes it preferable to leave these reservations as they are; and would suppose that the Japanese, in view of the importance to them of their fishing industry and their interest in exporting fish products to the United States, would concur in not enlarging upon the present reservations. If, however, the Japanese are not satisfied with the present disposition of the national fisheries question, the Department would propose that it be handled in a single comprehensive exception added to Article XXI (general exceptions), as follows:

"The

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TOKYO
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"The provisions of the present Treaty shall not apply with respect to the national fisheries of either Party, or to the products of such fisheries!"

(This provision could be numbered as 5 and the transposed provision on political activities as 6). If this were done, clause (a) in paragraph 6 of Article XIV and the concluding clause of paragraph 3 of Article XIX would, of course, be deleted.

Article XVIII. The Department does not have comments to offer at this time concerning the discussion of this article.

ACHESON

Acheson
(H.W.)

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JUN 12 1952 P.M.

H.W.
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